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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,388	12/12/2003	Andrew Julian Gartrell	042933/267830	9758
826	7590	10/24/2006	EXAMINER NGUYEN, QUYNH H	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT	PAPER NUMBER 2614

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/734,388	GARTRELL, ANDREW JULIAN	
	Examiner Quynh H. Nguyen	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE filed 8/18/06.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-9 and 11-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,3-9,11-21 and 32-54 is/are allowed.
- 6) Claim(s) 22-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and RCE filed 8/18/06 and Supplemental Amendment filed 10/19/06 have been entered. Claims 1, 3-4, 16, 18, 20, 32, 38-42, 45, and 48 have been amended. Claim 2 has been cancelled. Claims 38-54 have been added. Claims 1-9 and 11-37 are still pending in this application, with claims 1, 22, 32, and 38-39 being independent.
  
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 22-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Snell (US 5,383,091).

Regarding claim 22, Snell teaches an interlocking body cover, comprising: a membrane with a first surface (front) and a second surface (bottom), an inner section (inner side), and an outer perimeter (see area of 23); and an elastomeric locking edge (23) along said outer perimeter directed downwardly from said second surface and towards said inner section, wherein said elastomeric locking edge is configured to be removably secured to an interlocking chassis (22) without disassembly of the chassis (abstract; col. 2, lines 47-50; col. 3, lines 14-23), wherein the cover is adapted to

overlap the interlocking chassis (22), and wherein a portion of the cover defines a cavity adapted to receive a portion of the chassis such that the portion of the interlocking chassis is disposed in the cavity of the cover (Fig. 6, see areas of 23B and W, there is a cavity that a groove can fit in). Furthermore, Applicant is advised to limit the environment to a mobile terminal in the body of claim 22.

Regarding claim 23, Snell teaches at least part of said membrane is a translucent material (see 12).

Regarding claims 25 and 26, Snell teaches said membrane defines a circumscribed void or a display window (display widow in 12) there through.

#### ***Claim Rejections - 35 USC § 103***

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snell in view of Blackburn (2005/0022924).

Regarding claim 24, Snell differs from the claimed invention in that it does not teach a multicolored material.

Blackburn teaches providing a multicolored material for a cover (see paragraph 0027 in Blackburn).

Hence, it would have been obvious for one of ordinary skill in the art to modify Snell's membrane cover with a multicolored material as taught by Blackburn, such that it allow the combination to customize a device in a manner that will permit the owner of the device to personally select the finish of the device (paragraphs 0006 in Blackburn).

5. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell in view of Powell (6,701159).

Regarding claims 27-31, Snell teaches a cellular telephone (Fig. 1) and its keypad (11).

Snell differs from the claimed invention in that Snell does not teach the second surface defines a flexible keymat comprises a plurality of actuators, grooves between at least two of the actuators wherein the plurality of actuators define at least a numeric keypad; and the keymat comprises grooves between rows of the actuators defining a numeric keypad.

Powell teaches a cellular telephone is generic for portable devices which have numeric keypad 26; an opening 34 for the monitor 24 and keypad 26; grooves between at least two of the actuators wherein the plurality of actuators define at least a numeric keypad (col. 3, line 63 through col. 4, line 4).

It would have been obvious for one of ordinary skill in the art to apply Powell's concept in a communication environment which involve numeric keypad as taught by Powell into the teachings of Snell; this simply can be considered as an intended use of Powell, provided that the basic concept of housing the radio device is substantially unchanged. What Snell and Powell do not teach is the keymat. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the opening 34 for the monitor 24 and keypad 26 to become an opening for monitor 23 and keymat for keypad 26 in order to increase the protective enclosure of the cellular telephone.

***Allowable Subject Matter***

6. Claims 1, 3-9, 11-21, and 32-54 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 22-31 have been considered but are not persuasive. Applicant's arguments are addressed in the above claims rejection.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn  
Quynh Nguyen  
Quynh H. Nguyen  
October 23, 2006